

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gina R. Genkarell on 10/14/08.

The application has been amended as follows:

Cancel claim 125.

In claim 40, line 2, delete "smaller than 100", and insert - -20-100- -.

In claim 122, line 3, delete "smaller than 100", and insert - -20-100- -.

In the specification, page 54, line 1 insert

**--Brief Description of the Drawings**

Figure 1 shows the recovery of relative activity (penetrant amount) in different layers of the skin as a function of applied activity (dose).

Figure 2 shows the amount of carrier derived radioactivity ( $^3\text{H}$ -DPPC) in the blood as a function of time and epicutaneously administered penetrant quantity, expressed as percentage of applied dosage.

Figure 3 indicates the relative accumulation of carrier derived radioactivity in various organs at two different time points after an increasing mass of ultradeformable carriers has been administered on the skin.

Figure 4 shows the absolute penetrant distribution profile (in arbitrary units) in different layers of the skin as a function of applied activity (dose).

Figure 5 shows the total amount of penetrant recovered in different tissues (skin, blood, liver) at different times after the administration of an increasing quantity of ultradeformable penetrants on the skin grows with the applied dose per area.

Figure 6 shows the time dependence of penetrant derived radioactivity in the blood as a function of epicutaneously administered suspension volume (lipid amount).

Figure 7 shows the penetrant derived radioactivity in the blood as a function of epicutaneously administered dose measured 8 h or 24 h after the application.

Figure 8 shows the results obtained by measurement of the mean vapor transmission rate (MVTR) of five microporous polyethylene membranes, four polyurethane membranes and one polycarbonate track etched membrane.

Figure 9 is a diagram showing the principle of the "switching-effect," which e.g. is observed in connection with the inventive hydrophobic mesh-membranes.

Figure 10 shows the penetrability of three different microporous polyethylene membranes for Transfersomes namely Type-C; Solupor-E011 D, Solupor-8P07A and Solupor-10P05A (DSM Solutech, Heerlen, The Netherlands).

Figure 11 shows a schematic diagram of a multicompartment patch having external compartments according to the present invention in form of twin syringe serving as storage compartments with mixing tubing or T-piece connector attached to the patch.

Figure 12 shows a schematic diagram of a multicompartment patch according to the present invention having vertically stacked compartments.

Figure 13 shows a schematic diagram of a multicompartiment patch according to the present invention with a side-by-side alignment of compartments with vertically introduced septum.

Figure 14 shows a schematic diagram of a multicompartiment patch according to the present invention having a side-by-side alignment of compartments with separating lamination.- -.

#### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: claims 36-37, 39-41, 122-124, and 126 are allowed over the prior art of record. as indicated in the prior office action, the patch containing the specified composition and the liner with he particular vapor permeation rate is not disclosed or suggested in the prior art of record. The composition itself is disclosed in references by the same inventor as in the record. Claim 122 is equivalent to claim 40, indicated as having allowable subject matter. In claim 122 the patch is provided with a non-occlusive backing liner or porous membrane with pores between 20-100 nm, which teaching is lacking the prior art. The patch having the claimed compositions and provided in the reservoir or liner with the particular range of pore size is not disclosed or suggested in the prior art of record. The prior art of record teaches non-occlusive liners forming part of a reservoir containing a medicament or transfersome, membranes in combination with adhesive and liners are disclosed in the art (see patent 7,063,859, 7,008,637, 6,797,276, 6,517,864), however, the range in pore size as in the present invention is not disclosed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana M. Fortuna whose telephone number is (571) 272-1141. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ana M Fortuna  
Primary Examiner  
Art Unit 1797

/Ana M Fortuna/  
Primary Examiner, Art Unit 1797